Court No.-1

Writ Petition No. 3038 (S/S) of 2001

Jabbar Singh ……. Petitioner.

Versus

District Judge, Uttarkashi
and others. ……Respondents

……

Hon. P.C. Verma, J.

Heard learned counsel for the petitioner. The petitioner filed a suit for permanent injunction relating to agricultural land. The basis to seek permanent injunction was title on the basis of 20 years possession. The trial court after considering the plaint came to the conclusion that it was a case of title which was based on possession and therefore, the suit was barred by section 33 of the U.P.Z.A. & L.R. Act and returned the plaint of appeal for its presentation to the revenue court. Against this order, the appellant preferred an appeal and the appellate court upheld the order as it was found that the declaration of title was the basis of possession.

I have perused the order passed by both the courts below. I do not find any error of law in the judgments passed by the courts below. From the reading of the plaint, it is clear that the suit was for injunction and was based on the title which was claimed to have been preferred on the basis of 20 years possession under section 229B of the U.P.Z.A.R Act. The petitioner can get his title declared. Therefore, the suit was barred by section 331 of U.P.Z.A. & L.R. Act.

Thus the petition has no merit and is dismissed accordingly.

(P.C. Verma, J.)

R.P. Singh
24.5.2001